

**Comments received on the
Tentative Fishing Regulation Changes for
2008-2011**

Comments received on the Tentative Fishing Regulation Changes for 2008-2011

Input was received during the August 10-September 14, 2007 public comment period on the proposed Tentative Fishing Regulation Changes for 2008-2011. A total of 124 individuals or organizations provided written comments electronically through the FWP website, by mail, or at public meetings. In addition, three mail surveys went out to paddlefishers, hoop netters, and Region 5 anglers. Of the 820 questionnaires sent, responses were received from 285 individuals. Below is a summary of all comments, and the response by FWP staff.

NOTE: New language (approved by the FWP Commission) is in italics, while deleted language has a strike through it.

Statewide Regulations

CHANGE-(same for all three districts, pages 23, 51 and 82)

Daily and Possession Limits

Handling and Transporting Legally Taken Fish

While a person is fishing, or while on the water or on the ice:

- All fish in possession must be visibly identifiable to species
- ~~For a species where size limits apply,~~ All fish in possession must be whole with head, skin, fins and tail attached. Gills and entrails may be removed.
- ~~Fish may be dressed and filleted for immediate consumption.~~

Fish may be dressed and filleted for transport to your permanent residence, unless size limits apply, under the following conditions:

- All fish can be counted and identified. Two fillets will be counted as one fish. If the catch is frozen prior to transport, each fish must be packaged so it can be counted.
- Salmonids (trout, salmon, grayling, char and whitefish): the entire skin must be attached to the fillet for identification.
- ~~Non-salmonids: a minimum of one inch by one inch square shoulder patch of skin with scales must remain attached to each fillet for identification.~~

PUBLIC COMMENTS: One person wrote in favor of this change.

FWP RESPONSE: FWP will continue to propose this regulation change to the Commission.

Additional Statewide comments received that were not related to proposed regulations:

- 1) One person requested that chumming be banned statewide.
 - 2) Allow 3 flies on a line rather than 2.
 - 3) One person responded that he supported all of our proposed regulations.
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WESTERN DISTRICT

CHANGE-(Page 21)

Methods of Taking Fish

Hook and Line Limits

Open Water

Rivers and Streams

- 1 line with 2 hooks per line, with or without a pole. The pole or line must be attended and in the anglers immediate control.

Lakes and Reservoirs

- ~~1-2~~ lines with 2 hooks per line, with or without a pole (~~see Flathead Lake exception~~). The pole or line must be attended and in the anglers immediate control.

PUBLIC COMMENTS: One person responded and was against this change.

FWP RESPONSE: As mentioned in the tentative rule package, this change was made to be in accordance with law passed by the 2007 Legislature, and cannot be changed through this process.

CHANGE-(page 24, and pages 52 and 83 for the Central and Eastern Districts)

WESTERN DISTRICT STANDARD AND POSSESSION LIMITS

Whitefish – ~~20~~ ~~100~~ daily *and 40* in possession.

PUBLIC COMMENTS: Thirteen people responded in favor of this proposal while two were opposed. Those in favor typically cited it as a conservation measure, while those opposed felt it was not based on any firm data.

FWP RESPONSE: FWP feels this is important as a conservation measure, and few people will be impacted by the change. FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 28)

BLANCHARD LAKE (near Whitefish)

- ~~Catch and release for bass~~ *1 bass daily and in possession, must be over 22”.*
- Northern pike: 5 daily and in possession, 4 less than 28 inches and 1 greater than 36 inches.

PUBLIC COMMENTS: Eleven people responded in favor of this proposal, while two were against. One of those in favor wanted the size limit to be 20.”

FWP RESPONSE: Due to strong support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 28)

BLACKFOOT RIVER AND TRIBUTARIES

Mainstem, Landers Fork mouth to Stimson Lumber Dam (Milltown Reservoir)
confluence with the Clark Fork River.

- *Closed to fishing from the confluence with the Clark Fork River to about 1 ½ miles upstream, or as signed.*

~~Stimson Lumber Dam downstream to Milltown Reservoir (Clark Fork River)~~

- ~~Extended season for northern pike from December 1 to third Saturday in May, with artificial lures only.~~
- ~~Northern pike: no limit~~

PUBLIC COMMENTS: One person responded in favor of this proposal.

FWP RESPONSE: Due to a lack of objections, as well as the fact that this is essentially for public safety, FWP will continue to propose this regulation change to the Commission along with the companion regulations for Milltown Reservoir and the Clark Fork River near the Dam.

DELETE- (page 33 and 37)

FISHER RIVER

- ~~Extended whitefish season and catch and release for trout open December 1 to third Saturday in May with artificial lures and maggots only.~~

LIBBY CREEK

- ~~Extended whitefish season and catch and release for trout open December 1 to third Saturday in May with artificial lures and maggots only.~~

PUBLIC COMMENTS: Ten people were in favor of this proposal, while four were against.

FWP RESPONSE: Due to the strong public support and lack of significant opposition, FWP will continue to propose removal of this regulation to the FWP Commission.

CHANGE- (page 34)

FLATHEAD RIVER

Confluence of North and Middle Forks to Flathead Lake

- Extended season open for whitefish and lake trout, and catch-and-release for other game fish, *except northern pike*, December 1 through the third Saturday in May with artificial lures and/or maggots only. *Extended season for northern pike, December 1 through February 28, artificial lures only.*
- Catch-and-release for cutthroat trout.
- Combined trout: 5 daily and in possession.
- Lake trout: 15 daily and in possession.
- *Whitefish: 100 daily and in possession.*

PUBLIC COMMENTS: Nine people were in favor of this proposal, while five were against. All of the comments were directed at the northern pike portion of the proposal.

Two of the five comments against the proposal were requesting that this extended season be extended even more until the third week of May.

FWP RESPONSE: FWP will continue to propose this regulation change to the Commission. The Department will not support the extension to the third week in May due to evidence showing that bycatch mortality of bull trout would occur while anglers are fishing for the pike.

NEW- (page 34)

FRANK LAKE

- *Catch and release for rainbow trout on the northwest ¼ of the lake, as posted, from March 15 to May 1.*

PUBLIC COMMENTS: Ten people were in favor of this proposal, while two were against. One of those favoring the proposal wanted the entire lake closed during spawning.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this new regulation to the Commission.

NEW- (page 35)

HOLLAND CREEK (mouth on Holland Lake upstream to Falls)

- *Closed entire year.*

PUBLIC COMMENTS: One person responded in favor of the proposal, while no one was in opposition.

FWP RESPONSE: FWP will continue to propose this new regulation to the Commission.

CHANGE- (page 35)

HORSESHOE LAKE (Thompson Chain of Lakes (TCL))

- Tiger muskellunge: 1 daily and in possession, must be over 40 inches.
- ~~Spearing: open for nongame fish~~

PUBLIC COMMENTS: Twelve people responded in favor of this proposal, while no one expressed opposition.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 36)

LAKE KOOCANUSA

- Closed to burbot (ling) fishing January 15 to March 1.
- Salmon: *50* ~~35~~ daily and *100* ~~70~~ in possession.
- Bull trout: no changes proposed.

PUBLIC COMMENTS: Twelve people responded in favor of this proposal, while two people expressed opposition.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 37)

LAKE MARY RONAN

- Closed to fishing from midnight to 3 a.m.
- Open third Saturday in May through the end of February.
- Open March 1 to third Saturday in May: yellow perch only.
- Salmon: 10 daily and 20 in possession.
- Bass: Closed March 1 to the third Saturday in May. *Third Saturday in May through June 30: 1 over 22 inches. July 1 through the end of February: 5 daily and in possession, only 1 over 12 inches.*

PUBLIC COMMENTS: Twelve people responded in favor of this proposal, while two people were in opposition.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this regulation change to the Commission.

NEW- (page 37)

LITTLE BITTERROOT LAKE

- *Salmon: 20 daily and 40 in possession, no more than 10 daily and 20 in possession over 14 inches.*

PUBLIC COMMENTS: Twelve people responded in favor of this proposal, while one was in opposition.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this new regulation to the Commission.

CHANGE- (page 37)

LITTLE BLACKFOOT RIVER

- Extended whitefish season and catch and release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.
- *Catch and release for cutthroat trout.*

Tributaries to River

- *Catch and release for cutthroat trout.*

PUBLIC COMMENTS: One person responded in favor of this proposal, while no one expressed opposition.

FWP RESPONSE: FWP will continue to propose this regulation change to the Commission.

NEW- (page 41)

TALLY LAKE

- *Lake trout: 1 daily and in possession, must be over 42 inches.*

PUBLIC COMMENTS: Eleven people responded in favor of this proposal, while two were in opposition.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this new regulation to the Commission.

CHANGE- (page 41)

THOMPSON RIVER

Entire River

- Catch-and-release for cutthroat trout.
- ~~Combined trout: 3 less than 10 inches or 2 less than 10 inches and 1 over 18 inches daily and in possession.~~
- Artificial lures only, except anglers 14 years of age and younger may use bait.

Upstream from mouth of Little Thompson River

- Closed to fishing December 1 to third Saturday in May.
- *Combined Trout: 3 daily and in possession, 3 less than 10 inches or 2 less than 10 inches and 1 over 18 inches.*

Mouth of Little Thompson River to the confluence with the Clark Fork River

- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.
- *Combined Trout: 3 daily and in possession, brown trout any size, rainbow trout no more than 3 less than 10 inches or 2 less than 10 inches and 1 over 18 inches.*

PUBLIC COMMENTS: Seven people wrote in favor of this proposal, while 12 people were in opposition. Some comments against this proposal felt that FWP did not have good or adequate data to make the claims that brown trout numbers have increased throughout the river

FWP RESPONSE: In recent years, brown trout have increased to make up 50% to 80% of the fish population in the lower stretches of the Thompson River. This may be because brown trout deal with drought and angling harvest better. This shift has real implications for bull trout, rainbows, and other fish in those sections so the proposal was to remove length limitations on browns in the lower 17 miles to increase harvest. Anglers were heavily involved in crafting the original regulation and are happy with the resulting fishery. They were not involved in this current proposal and expressed concern over the data and impacts to the fishery. FWP proposes to withdraw the proposal and work with anglers over the next year to build confidence in the data and support for some change to better balance the fishery.

CHANGE- (page 42)

WARM SPRINGS WILDLIFE MANAGEMENT AREA (WMA)

Pond 3 (no changes proposed for any other areas)

- Open May 25 through ~~September 30~~ **November 30** to fishing from non-motorized vessels. ~~and from north and west dikes except where posted closed.~~

PUBLIC COMMENTS: One person wrote in support of this proposal, while no one was in opposition.

FWP RESPONSE: FWP will continue to propose this regulation change to the Commission.

Additional Western District comments received that were not related to proposed regulations:

- 1) Do not open trout fishing until the 3rd Saturday in June.
 - 2) Exceptions for bass should be eliminated.
 - 3) Tighten restrictions on bass harvest during spawning
 - 4) Allow spearing of illegally planted pike.
 - 5) Kootenai River rainbow trout need more protection through harvest restrictions.
 - 6) Eliminate the slot limit for lake trout on Flathead Lake.
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CENTRAL DISTRICT

CHANGE- (page 56)

BIG HOLE RIVER AND TRIBUTARIES

~~Entire river and tributaries~~

- ~~• Catch-and-release for grayling and cutthroat trout~~

Entire river

- Extended season for whitefish and catch-and-release for trout open December 1 to the third Saturday in May with artificial lures and/or maggots only.
- Catch-and-release for grayling and cutthroat trout.
- All float users are limited to a total of 2 launches at or near each official access site each day. See Big Hole River map for official access sites.

Headwaters to Mudd Creek FAS

- Closed to float outfitting from the third Saturday in May through Labor Day.

Headwaters to Dickie Bridge

- *Combined trout limit, 5 daily and in possession (no size restriction).*

Big Hole River upstream of North Fork Big Hole River

- *Brook trout: open entire year.*

Mudd Creek FAS to Fishtrap FAS

- Closed to float outfitting on each Tuesday from the third Saturday in May through Labor Day.

Fishtrap FAS to East Bank BLM FAS

- Closed to float outfitting on each Thursday from the third Saturday in May through Labor Day.

East Bank BLM FAS to Jerry Creek FAS

- Closed to float outfitting on each Wednesday from the third Saturday in May through Labor Day.

~~Tributaries upstream from Divide Dam~~

- ~~• Brook trout: open entire year.~~

~~Dickie Bridge to Divide Bridge (Divide FAS)~~

- ~~• Artificial lures only.~~

Jerry Creek FAS to Divide FAS

- Closed to float outfitting on each Saturday from the third Saturday in May through Labor Day.

Divide Bridge (Divide FAS) to Melrose Bridges (Salmon Fly FAS)

- ~~Combined Trout: 4 daily and in possession, includes 3 under 13 inches and 1 over 22 inches.~~
- ~~Artificial lures only.~~
- Closed to float fishing by nonresidents and float outfitting on each Sunday from the third Saturday in May through Labor Day.

Melrose Bridges (Salmon Fly FAS) to Glen FAS

- Closed to float outfitting on each Monday from the third Saturday in May through Labor Day.

Glen FAS (bridges) to Notch Bottom FAS

- Closed to float outfitting on each Friday from the third Saturday in May through Labor Day.

PUBLIC COMMENTS: With respect to the proposed changes in the upper river (increased brook trout harvest and no size restriction on combined trout), three people were in favor of this proposal, while 12 were against. With respect to the proposed change to delete the artificial lure only sections, many people expressed their concerns generally without reference to a specific section. Of these respondents, no one supported the proposal, while 45 were against. For those mentioning the sections specifically, no one spoke in favor of removing the artificial lure requirement on the Dickie Bridge to Divide section, while 16 people were against the proposal. For the Divide Bridge to Melrose section, two people were in favor of removing the artificial lure requirement, while 16 were against. With regard to the slot limit proposal in the Divide to Melrose section, six people spoke in favor of the proposal, while 47 were against. Four respondents offered an opinion on another issue that was not in the tentative regulations. Three people wanted FWP to institute a fall closure on brown trout fishing from October 1-November 30 in the Melrose to Pennington Bridge stretch of river. One person expressed opposition to this idea.

FWP RESPONSE: FWP maintains that the slot limit from Divide to Melrose is not producing measurable fishery benefits, but does limit harvest opportunity and needlessly puts some people in the position of having to release fish that are injured and will obviously not recover/survive. Biologically, all of the Big Hole tentative proposals are sound. However, hearing significant opposition to the proposed changes in this reach, FWP staff feels that the proposals to drop the artificial lures only requirement from Dickie Bridge to Divide and from Divide to Melrose can be eliminated in order to recognize what has become a traditional use pattern and demand expressed by the public. With that exception, FWP continues to support the remaining Big Hole regulation proposals as written in the tentative package. Further, this modified proposal package will help FWP facilitate grayling conservation without a cost to the non-native sport fishery.

CHANGE- (page 57)

BIGHORN LAKE AND AFTERBAY RESERVOIR

- Sauger/Walleye: 5 daily and 10 in possession (only 2 may be sauger). ~~All fish must be kept whole, gills and entrails may be removed, until you are off the water and done fishing for the day. See Standard Regulations for transport requirements.~~
- Catfish: 6 daily and in possession.
- ***Burbot: 3 daily and in possession.***
- ***Bass: 6 daily and 12 in possession.***
- Shovelnose sturgeon: 2 daily and in possession.
- Anglers obtaining live bait fish in Montana may use them only in the Montana portion of the lake.
- Hook and Line: 2 lines with 2 hooks per line on open water and 6 lines with 1 hook per line through the ice.

PUBLIC COMMENTS: Based on 147 returns from a mail survey, 91% were in favor of these proposed changes, while 3% were against and 7% expressed no opinion. One respondent to the FWP website was also in favor of the proposed changes.

FWP RESPONSE: Based on strong public support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 58)

BIGHORN RIVER

Entire River

- ***A State of Montana fishing license is required for all anglers to fish on the Bighorn River within the boundaries of the Crow Reservation. A tribal permit is not required.***
- Open entire year.
- Sauger/Walleye: 5 daily, only 1 may be a sauger. Possession limit is 10, only 2 may be sauger. ~~All fish must be kept whole, gills and entrails may be removed, until you are off the water and done fishing for the day. See Standard Regulations for transport requirements.~~

Afterbay Dam to cable 600 feet downstream and downstream from Bighorn FAS

- ~~Open entire year.~~
- ~~Combined Trout: 5 daily and in possession, only 1 over 18 inches and only 1 rainbow trout.~~
- May use live nongame bait fish (as identified in standard district regulations).

Cable 600 feet below Afterbay Dam to Bighorn FAS

- ~~Open entire year.~~
- ~~Combined Trout: 5 brown daily and in possession, only 1 over 18 inches. Catch and release for rainbow trout, except anglers 14 years of age and younger may take 1 rainbow trout daily and in possession, any size.~~
- Artificial lures only

PUBLIC COMMENTS: Based on 147 returns from a mail survey, 92% were in favor of these proposed changes, while 4% were in opposition and 4% had no opinion. One respondent to the website was also in favor of these proposals.

FWP RESPONSE: Due to strong public support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 59)

BOULDER RIVER AND TRIBUTARIES (near Big Timber)

Entire river and tributaries

- No changes proposed.

~~Natural Bridge to Two Mile Bridge (first crossing, 5 road miles upstream from Natural Bridge).~~

- ~~Catch and release for rainbow trout, except anglers 14 years of age and younger may take 1 rainbow trout daily and in possession, any size.~~
- ~~Artificial lures only.~~

PUBLIC COMMENTS: Based on 147 returns from a mail survey, 85% were in favor of this proposal, while 12% were in opposition and 4% had no opinion. One respondent to the website was against this proposal.

FWP RESPONSE: Based on strong public support, FWP will continue to propose this regulation change to the Commission.

CHANGE- (page 59)

CLARK CANYON RESERVOIR

- Combined trout: ~~3 \pm daily and in possession, any size.~~ **only 2 over 23 inches.**
- Burbot (ling): ~~3 \pm daily and in possession,~~ **only one over 28 inches.**

PUBLIC COMMENTS: Two people supported this proposed change and two were in opposition.

FWP RESPONSE: FWP staff has weighed opposing (for and against) public comment received on this proposal along with strong biological data and public demand for increased harvest while maintaining a strong trophy component to the fishery. Therefore, FWP's final recommendation is 3 trout per day, only 1 over 23 inches and 3 burbot per day, only one over 28 inches.

CHANGE- (page 62)

HAUSER RESERVOIR

Including Canyon Ferry Dam tailwater and Lake Helena

- ~~Closed to fishing from midnight to 3 a.m.~~
- Yellow perch: 50 daily and no possession limit.
- Walleye: 10 daily, only 1 over 28 inches. **Possession limit is twice the daily limit.**
- Combined Trout and Salmon: 5 trout and salmon daily in any combination and 10 trout and salmon in possession in any combination. Catch and release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession, any size.

- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

PUBLIC COMMENTS: One person wrote in support of the possession limit proposal, while two supported the time closure proposal. No one expressed opposition.

FWP RESPONSE: FWP will continue to propose these regulation changes to the Commission.

CHANGE- (page 62)

HOLTER RESERVOIR

Up to American Bar Gulch (approx. 4.6 miles downstream from Hauser Dam)

- ~~Closed to fishing from midnight to 3 a.m.~~
- Open entire year.
- Catch and release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession, any size.
- Combined Trout and Salmon: 5 rainbow trout and salmon daily in any combination and 10 rainbow trout and salmon in possession in any combination.
- Walleye: 6 daily, includes 5 under 20 inches and 1 over 28 inches. ***Possession limit is twice the daily limit***
- Yellow perch: 50 daily and no possession limit.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

PUBLIC COMMENTS: One person wrote in support of the possession limit proposal, while two supported the time closure proposal. No one expressed opposition.

FWP RESPONSE: FWP will continue to propose these regulation changes to the Commission.

CHANGE- (page 63)

LAKE HELENA

- ~~Closed to fishing from midnight to 3 a.m.~~
- Catch and release for brown trout, except anglers 14 years of age and younger may take 1 brown trout daily and in possession, any size.
- Combined Trout and Salmon: 5 trout and salmon daily in any combination and 10 trout and salmon in possession in any combination.
- Walleye: 10 daily, only 1 over 28 inches. ***Possession limit is twice the daily limit***
- Yellow perch: 50 daily and no possession limit.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

PUBLIC COMMENTS: One person wrote in support of the possession limit proposal, while two supported the time closure proposal. No one expressed opposition.

FWP RESPONSE: FWP will continue to propose these regulation changes to the Commission.

CHANGE- (page 64)

MADISON RIVER

Yellowstone National Park boundary to Hebgen Reservoir

No changes proposed.

Hebgen Dam to Quake Lake

- Open entire year.

Quake Lake outlet to Lyons Bridge

- Open third Saturday in May through the end of February.
- Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession, any size.
- Artificial lures only.
- Closed to fishing from boats/vessels.

Lyons Bridge to McAtee Bridge

- ~~Open third Saturday in May through the end of February.~~
- **Open entire year.**
- Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession, any size.
- Artificial lures only.

McAtee Bridge to Varney Bridge

- Open entire year.
- Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession, any size.
- Artificial lures only.

Varney Bridge to Ennis Bridge

- Open entire year.
- Catch-and-release for rainbow trout, except anglers 14 years of age and younger may take 1 trout daily and in possession, any size.

Ennis Bridge to Ennis Lake

- Open third Saturday in May through the end of February.
- Catch-and-release for rainbow trout, except anglers 14 years of age and younger may take 1 trout daily and in possession, any size.
- Closed to fishing from boats/vessels.

Ennis Dam to the mouth

- Open entire year.

PUBLIC COMMENTS: Two people responded in favor of this proposal, while two responded in opposition. One of the commentors in opposition also asked that boats not be allowed on the entire stretch from Quake Lake to Varney.

FWP RESPONSE: Public comments were opposing (for and against) on this proposal. Based on concerns raised about extremely high fishing pressure already on the river, FWP staff recognizes that this may not be the ideal time to implement this change, and therefore has withdrawn the proposal from further consideration as a regulations change in the current process.

CHANGE-(page 74)

YELLOWSTONE RIVER

Yellowstone National Park Boundary to I-90 Bridge at Billings

- Open entire year.

~~Yellowstone National Park Boundary to Highway 78 Bridge at Columbus~~

- ~~• Catch and release for cutthroat trout.~~

Yellowstone National Park Boundary to Emigrant Bridge

- ***Combined trout: 4 brown and/or rainbow trout daily and in possession, only 1 over 18 inches.***

Emigrant Bridge to Pine Creek Bridge

- ~~• Extended season for whitefish and catch and release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.~~
- Combined trout: ~~5~~ **4** brown and/or rainbow trout daily and in possession, ~~includes 4 under 13 inches and~~ **only 1 over 18 inches.**

Pine Creek Bridge to I-90 Bridge at Billings

- ***Combined trout: 4 brown and/or rainbow trout daily and in possession, only 1 over 18 inches.***

~~Highway 78 Bridge at Columbus to I-90 Bridge at Billings~~

- ~~• Combined trout: includes cutthroat trout.~~

Mouth of Clarks Fork River to I-90 Bridge at Billings

- Hook and Line: 2 lines with 2 hooks per line all year.

PUBLIC COMMENTS: Based on 147 responses to a mail survey, 80% were in favor of the reduction in the bag limit, while 15% were opposed and 5% had no opinion. Three respondents to the website were in opposition to the harvest reductions. From the same mail survey, 76% were in favor of the proposal to remove cutthroat trout from the bag limit between Columbus and Billings, while 17% opposed this and 7% had no opinion. Some of those in opposition asked that stocking of cutthroat be resumed rather than drop them from the bag limit. No comments were received that specifically addressed the changes in the Emigrant-Pine Creek section.

FWP RESPONSE: Based on the strong public support, FWP will continue to propose these regulations changes to the Commission. The request for resumption of stocking cutthroat trout downstream of Columbus is judged to have little merit in light of the fact that this area was stocked between 2001 and 2005 and the virtually all the trout either left the area or died before they could be caught by anglers.

Additional Central District comments received that were not related to proposed regulations:

- 1) Allow setline fishing year-round on Tiber Reservoir.
- 2) Ice shelter on Hauser and Holter Lakes should be allowed on the ice round the clock.
- 3) Poindexter Slough should be catch-and-release with barbless hooks year-round.
- 4) Beaverhead River should be closed during spawning if flows are less than 100 cfs. It should also be catch and release year-round, and it should be artificial lures only from Clark Canyon Dam downstream to Henneberry Bridge.

- 5) The float regulations/restrictions on the Big Hole River are unfair.
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EASTERN DISTRICT

CHANGE- (page 79)

Hoop Nets -- Region 5, 6 and 7 hoop net rules:

A permitted individual is authorized to take fish with hoop nets according to the following rules:

- 1) Size and construction of hoop nets: Nets must not be more than 10ft long and 3ft wide. No leads or wings permitted. Wire traps are prohibited.
- 2) Tags: Hoop net must be marked with a tag showing *the permit number as well as the angler's name, and phone number or 9/10 digit ALS number.*
- 3) Tending Hoop Nets: Hoop nets must be checked and emptied at least every ~~48 hrs~~ **24 hrs.** 48hrs.
- 4) Unauthorized Use: No person may use or tend hoop nets of another person.
- 5) Season/Open Areas: Hoop nets may be used to take ~~nongame fish~~, catfish, *smallmouth buffalo, river carpsucker, goldeye, white suckers, carp, ling and shovelnose sturgeon* in the Yellowstone downstream from the mouth of the Bighorn; In the Milk downstream from the Hwy 2 bridge below Dodson Dam; and in the Missouri downstream from the mouth of the Milk, except: closed statewide March 1 thru May 15, and for 200 yards downstream from all irrigation diversion dams.
- 6) Daily/Possession Limit: 20 catfish, ~~ling 5, shovelnose sturgeon 5, nongame no limit.~~ *smallmouth buffalo, river carpsucker, goldeye, white suckers, carp, 10 in any combination.* All other species must be released.
- 7) ~~Voluntary~~ **Mandatory** Report: Permittee is ~~asked to assist the department in evaluating fish populations and fishing regulations.~~ *required to submit a report of catfish and other approved species taken by hoop net during the past season by ~~October~~ November 1.* The department ~~asks~~ *requires* you to record the dates of fishing and *number of various* fish species captured and released, *and the number of catfish and other approved species you harvested.* A data form is provided. ~~Please return the data form to FWP when you have finished netting for the year.~~ *Your completed data form must be returned to FWP by ~~October~~ November; if it is not, you will not be issued a hoop net permit for the following year. be eligible for a permit in future years.*

PUBLIC COMMENTS: A public meeting was held in Glasgow to gather public input on these rules. At a later date, questionnaires were sent to all those attending the meeting, plus those holding 2007 Hoop Net permits. Of 24 questionnaires mailed, only six individuals responded.

FWP RESPONSE: Based on responses received from the public input process, FWP will withdraw the proposal to require nets to be checked every 24 hours, leaving it at 48 hours. The possession limit will be changed so that in addition to the 20 catfish, it will be permissible to keep smallmouth buffalo, river carpsucker, goldeye, white sucker and carp, 10 in any combination. Also, FWP will extend to November 1 the time when

permittees must report their catches for the year. Lastly, a clarification was added so that if the permittee fails to report by November 1, they will not be eligible for a permit in future years.

CHANGE- (pages 85, 86, 87 and 88)

PADDLEFISH REGULATIONS (MISSOURI RIVER and YELLOWSTONE RIVER)

Special Paddlefish Regulations

Daily and Possession Limits

1 paddlefish per season per angler. Anglers may select from only one of the following areas, ***and may only fish in the area selected:***

- Upper Missouri River, upstream from Fort Peck Dam to Fort Benton-white tag.
- Yellowstone River or Lower Missouri River downstream from Fort Peck Dam-yellow tag.
- Fort Peck Dredge Cuts (west of Park Grove Bridge and Nelson Dredge) on the lower Missouri River-blue tag.

Rationale: Anglers have been confused about whether they were restricted in their catch-and-release fishing to the area where their harvest is allowed. This change clarifies that anglers are only allowed to fish in the one area that they purchased a harvest tag.

General Paddlefish Regulations for ALL Areas

- Each angler must cast for, hook and reel in his or her own paddlefish. It is unlawful for another person to do so. It is illegal to loan tags or to use another angler's tag.
- ***Hook size is limited to 8/0 and smaller for all paddlefishing.***
- ~~**Catch-and-Release Days:** It is unlawful to release paddlefish except on designated catch-and-release days during the **regular** open season paddlefish season. All paddlefish must be released on Sundays, Mondays and Thursdays during the **regular** season. Evidence of **the appropriate** current year paddlefish tag must be in possession to fish for paddlefish. Gaffs may not be used to land a paddlefish on catch-and-release days.~~
- ~~**Harvest Days:** Anglers must have a valid (unused) paddlefish tag in their possession to harvest a paddlefish. (Tuesdays, Wednesdays, Fridays and Saturdays) On paddlefish harvest days during the open paddlefish season, anglers must tag a paddlefish immediately when they land it. It is unlawful to release snagged paddlefish except on catch-and-release days. Once the tag has been validated, anglers may not snag for paddlefish except on catch-and-release days.~~
- ~~Anglers must immediately tag paddlefish with their own tag.~~
- Gaffs, no longer than 4.5 feet in length may be used to land a paddlefish that will be tagged. Gaffs may not be used to land a paddlefish that will be released.
- Any tag locked shut prior to attachment to a paddlefish shall be void. Voided tags are not replaceable.
- It is unlawful to possess an untagged paddlefish or part of one. If anglers cut up a paddlefish, they must keep the part of the back dorsal fin (back fin) where the tag is attached and sealed to the fish.

- Tags must remain with processed fish until consumption.
- *When a paddlefish is captured and tagged, the fish must be removed from the river by the end of the day, 9:00p.m.*

PUBLIC COMMENTS: A mail survey was conducted by FWP of 500 randomly selected persons that purchased a white paddlefish tag in 2007; 142 questionnaires were returned. Of those responding, 65% were in favor of the proposal to limit hook size, 25% were opposed and 10% had no opinion. On the issue of removing the fish by the end of the day (9 p.m.), 63% were in favor, 32% were opposed, and 5% had no opinion. Only one person addressed these issues through the FWP website, and this person expressed opposition to the hook size restriction.

FWP RESPONSE: Due to strong public support, FWP will continue to propose these regulation changes to the Commission.

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MISSOURI RIVER

Upstream from Fort Peck Dam to Fort Benton

- *The paddlefish fishery is managed under an annual harvest target not to exceed 500 fish. FWP may close the harvest season within 24 hours notice in any year if it appears that the harvest target may be exceeded. Catch-and-release fishing would continue for the duration of the season. Call the Glasgow FWP office at 406-228-3700 for current information on harvest status.*
- **Paddlefish snagging: open entire year** to harvesting paddlefish from May 1 to June 15 (unless closed earlier by FWP) from 6AM to 9PM daily. ~~1-paddlefish per angler.~~ An unused white paddlefish tag is required to harvest a paddlefish. ~~on Tuesdays, Wednesdays, Fridays or Saturdays. The tag must be properly placed on the first paddlefish caught and landed. It is unlawful to release a paddlefish except on catch-and-release days.~~ All paddlefish captured must either be tagged and kept, or released immediately. Gaffs may be used to harvest a paddlefish but not for fish that will be released. **See Eastern District Standard Regulations for additional important paddlefish information.**
- ~~Catch-and-release: all paddlefish must be immediately released on Sundays, Mondays, and Thursdays during the season.~~ snagging for paddlefish is allowed from May 1 to June 15. Proof of purchase of a *white* paddlefish tag on your fishing license is required for catch-and-release fishing. *All paddlefish must be released immediately and may not be gaffed or lifted out of the water. Captured fish must remain at least partially submerged in water at all times.*

Downstream from Fort Peck Dam

- Snagging: no changes proposed.
- The paddlefish fishery is managed under a harvest target in conjunction with North Dakota so that annual harvest will not exceed 1000 fish. FWP may close the season within 24 hours notice in any given year if it appears that the harvest target may be exceeded. Call the Miles City FWP office at 406-234-0900 for current information on harvest status.

- Paddlefish Snagging: open Tuesdays, Wednesdays, Fridays and Saturdays from May 15 through June 30 from 6AM to 9 PM daily unless closed to harvest earlier by FWP. 1 paddlefish tag per angler. An unused yellow paddlefish tag is required to ~~harvest a~~ ***fish for*** paddlefish. The tag must be properly placed on the first paddlefish caught and landed. ~~All paddlefish caught on Sundays, Mondays and Thursdays throughout the season must be immediately released. Proof of purchase of a paddlefish tag on your fishing license is required to fish on catch-and-release days and use of gaffs is prohibited.~~ See Eastern District Standard Regulations for additional important information.
- ***Catch-and-Release snagging for paddlefish is not permitted.***

PUBLIC COMMENTS: A mail survey was conducted by FWP of 500 randomly selected persons that purchased a white paddlefish tag in 2007; 142 questionnaires were returned. Of those responding, 59% were in favor of the quota of 500 fish, 35% were opposed to the quota, and 6% had no opinion. In response to the proposal to release fish immediately and not lift them out of the water, 58% were in favor while 34% were opposed and 8% had no opinion. Only one comment was received on the FWP website relative to these issues, and that person supported the harvest quota.

FWP RESPONSE: Due to the strong public support, and the Department's firm belief that a quota is necessary, FWP will continue to propose these changes to the Commission.

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YELLOWSTONE RIVER

- The paddlefish fishery is managed under a harvest target in conjunction with North Dakota so that annual harvest will not exceed 1000 fish. FWP may close the season within 24 hours notice in any given year if it appears that the harvest target may be exceeded, and/or immediately at the Intake FAS (***Intake Diversion downstream to Cottonwood Creek***) when 800 paddlefish have been harvested at Intake. ~~Catch-and-release would continue to be allowed through June 30 on Sundays, Mondays and Thursdays.~~ Call the Miles City FWP office at 406-234-0900 for current information on harvest status.

Downstream from the mouth of the Bighorn River, *not* including Intake Fishing Access Site

- Snagging: no changes proposed.
- Paddlefish Snagging: open Tuesdays, Wednesdays, Fridays and Saturdays from May 15 through June 30 from 6AM to 9 PM daily unless closed to harvest earlier by FWP. ~~1 paddlefish tag per angler.~~ An unused yellow paddlefish tag is required to ~~harvest a~~ ***fish for*** paddlefish. The tag must be properly placed on the first paddlefish caught and landed. ~~All paddlefish caught on Sundays, Mondays and Thursdays throughout the season must be immediately released. Proof of purchase of a paddlefish tag on your fishing license is required to fish on catch-and-release days and use of gaffs is prohibited.~~ See Eastern District Standard Regulations for additional important information.
- ***Catch-and-Release snagging for paddlefish is not permitted.***

Intake Fishing Access Site (*Intake Diversion downstream to Cottonwood Creek*)

- Paddlefish Snagging: open for harvesting paddlefish May 15 through June 30 from 6AM to 9 PM daily unless closed to harvest earlier by FWP. ~~4 paddlefish tag per angler.~~ An unused yellow paddlefish tag is required to harvest a paddlefish on Tuesdays, Wednesdays, Fridays or Saturdays. The tag must be properly placed on the first paddlefish caught and landed. It is unlawful to release paddlefish except on designated catch-and-release days during the open season for paddlefish. ~~Proof of purchase of a yellow paddlefish tag on your fishing license is required to fish on catch and release days and use of gaffs is prohibited.~~
- **Catch -and-Release:** All paddlefish must be released on Sundays, Mondays and Thursdays during the open season. Evidence of a current year *yellow* paddlefish tag must be in possession to fish for paddlefish. ***All paddlefish must be released immediately and may not be gaffed or lifted out of the water. Captured fish must remain at least partially submerged in water at all times. Following the harvest closure, catch and release will be allowed for 10 consecutive days or through June 30, whichever comes first.***

PUBLIC COMMENTS: One person commented that they were opposed to the proposal to institute a catch and release season for only 10 days after the harvest season had closed.

FWP RESPONSE: The single comment notwithstanding, FWP believes that the change will improve angler satisfaction at Intake, and for this reason will continue to propose it to the Commission.
